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UBER TECHNOLOGIES, INC.  
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,  
19 Plaintiff,  
20 v.  
21 UBER TECHNOLOGIES, INC.,  
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,  
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO RE-FILE UNDER SEAL  
PORTIONS OF THEIR OPPOSITION  
AND SUR-REPLY TO PLAINTIFF  
WAYMO LLC'S MOTION FOR  
PRELIMINARY INJUNCTION, AND  
SUPPORTING DECLARATIONS  
THERE TO**

Trial Date: October 2, 2017

Pursuant to the Court's May 3, 2017 Minute Order<sup>1</sup> and in accordance with Civil Local Rules 7-11 and 79-5, and General Order No. 62, Defendants Uber Technologies, Inc., Ottomotto LLC, and Otto Trucking LLC ("Defendants") submit this motion for an order to file under seal the confidential, unredacted versions of the following documents:

1. Portions of Defendants' Opposition to Plaintiff Waymo LLC's Motion for Preliminary Injunction ("Opposition");
2. Portions of the Declaration of Michael Lebby in Support of Defendants' Opposition ("Lebby Declaration");
3. Portions of the Declaration of Paul McManamon in Support of Defendants' Opposition ("McManamon Declaration");
4. Portions of the Declaration of Scott Boehmke in Support of Defendants' Opposition ("Boehmke Declaration");
5. Portions of the Declaration of James Haslim in Support of Defendants' Opposition ("Haslim Declaration");
6. Portions of Defendants' Sur-Reply to Plaintiff Waymo LLC's Motion for Preliminary Injunction ("Sur-Reply");
7. Portions of the Supplemental Declaration of Michael Lebby in Support of Defendants' Sur-Reply ("Lebby Supplemental");
8. Portions of the Supplemental Declaration of Scott Boehmke in Support of Defendants' Sur-Reply ("Boehmke Supplemental");
9. Portions of the Supplemental Declaration of James Haslim in Support of Defendants' Sur-Reply ("Haslim Supplemental");
10. Portions of Exhibit 2 to the Lebby Supplemental and Exhibit 15 to the Chang Declaration in Support of Defendants' Sur-reply.

Some of the redacted portions of Defendants' Opposition, the Lebby Declaration, McManamon Declaration, Haslim Declaration, and Boehmke Declarations, as well as

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<sup>1</sup> See also 5/3/2017 Sealed PM Hr'g Tr. 3:13-21.

1 Defendants' Sur-Reply, Lebbly Supplemental, Boehmke Supplemental, and Haslim Supplemental  
 2 Declarations, discuss Uber's proprietary and highly confidential designs for Uber's custom  
 3 LiDAR system or Uber's detailed market information. These portions are highlighted in blue on  
 4 the unredacted copies of the documents. The design of Uber's custom LiDAR system and Uber's  
 5 detailed market strategy information are Uber highly confidential, proprietary information which,  
 6 if made public, would cause Uber irreparable harm in this very competitive space of autonomous  
 7 driving. (Declaration of Michelle Yang In Support of Defendants' Administrative Motion to Re-  
 8 File Documents Under Seal ("Yang Decl.") ¶ 2, 3.)

9 Some of the redacted portions of Defendants' Opposition, the Lebbly Declaration, and  
 10 McManamon Declaration, as well as Defendants' Sur-Reply, the Lebbly Supplemental, the  
 11 Haslim Supplemental, Exhibit 2 to the Lebbly Supplemental, and Exhibit 15 to the Chang  
 12 Declaration in Support of Defendants' Sur-reply, have been designated by Waymo as either  
 13 confidential or highly confidential. Waymo's designations are highlighted in green in the  
 14 unredacted copies of the briefs and declarations, and highlighted in yellow in the unredacted  
 15 copies of Exhibit 2 to the Lebbly Supplemental and Exhibit 15 to the Chang Declaration. (Yang  
 16 Decl. ¶ 4.)

17 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the  
 18 documents at issue, with accompanying chamber copies.

19 Defendants served Waymo with this Administrative Motion to File Documents Under  
 20 Seal on May 8, 2017.

21 Pursuant to the Court's May 3, 2017 Minute Order, Defendants' motion for an order to  
 22 file under seal is unchanged regarding the confidential, unredacted versions of the following  
 23 documents with respect to Defendants' Preliminary Injunction Opposition (ECF No. 173):

- 24 1. Portions of Exhibits 4, 5, and 7 to the Declaration of Esther Chang in Support of
- 25 Defendants' Opposition to Plaintiff Waymo LLC's Motion for Preliminary Injunction
- 26 ("Chang Declaration");
- 27 2. Entirety of Exhibits A-E to the Haslim Declaration;
- 28 3. Portion of Exhibit 3 to the Lebbly Declaration;

4. Portions of the Declaration of Sameer Kshirsagar (“Kshirsagar Declaration”);
5. Portions of Exhibits 1 and 2 of Kshirsagar Declaration;
6. Entirety of Exhibit 3 of Kshirsagar Declaration;
7. Entirety of Exhibits A-P to the Boehmke Declaration;
8. Portions of the Declaration of Kevin Faulkner (“Faulkner Declaration”).

Pursuant to the Court’s May 3, 2017 Minute Order, Defendants’ motion for an order to file under seal is unchanged regarding the confidential, unredacted versions of the following documents with respect to Defendants’ Preliminary Injunction Sur-reply (ECF No. 295):

11. Portions of the Supplemental Declaration of Esther Chang in Support of Defendants’ Sur-Reply to Plaintiff Waymo LLC’s Motion for Preliminary Injunction (“Chang Declaration”)
12. Portions of Exhibit 26 to the Leiby Declaration
13. Entirety of Exhibit 27 to the Leiby Declaration
14. Entirety of Exhibits A, B, C, and D to the Boehmke Declaration
15. Portions of Exhibit E to the Boehmke Declaration
16. Entirety of Exhibit A to the Haslim Declaration
17. Portions of Exhibit B to the Haslim Declaration
18. Entirety of Exhibit 11 to the Chang Declaration
19. Portions of Exhibits 12 and 14 to the Chang Declaration

For the foregoing reasons, Defendants request that the Court enter the accompanying Proposed Order granting Defendants’ Administrative Motion to File Documents Under Seal and designate the service copies of these documents as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

1 Dated: May 8 , 2017

MORRISON & FOERSTER LLP

2  
3 By: /s/Arturo J. González  
ARTURO J. GONZÁLEZ

4 Attorneys for Defendants  
5 UBER TECHNOLOGIES, INC.,  
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